

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Brayan CASTANEDA-JUAREZ

Case No. **1:25-MJ-00058***Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of on or about January 26, 2025 in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*

8 U.S.C. § 1326(a)

Previously removed alien found in the United States.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.THOMAS G
CARDINALI

Digitally signed by

THOMAS G

CARDINALI

Date: 2025.01.28

15:05:20 -05'00'

Complainant's signature

Thomas Cardinali, Special Agent HSI

Printed name and title

Subscribed and sworn to before me by reliable electronic means, specifically, FaceTime video conference, in accordance with Fed. R. Crim. P. 4.1.

Date: Jan 28, 2025*Stephanie K. Bowman**Judge's signature*City and state: Cincinnati, Ohio

Hon. Stephanie K. Bowman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Thomas Cardinali, hereby duly sworn, declare and state:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint pursuant to Rule 4 of the Federal Rules of Criminal Procedure, charging Brayan CASTANEDA-JUAREZ for a violation of Title 8, United States Code, Section 1326(a) (previously removed alien found in the United States).

2. I am a Special Agent (“SA”) of the Department of Homeland Security Investigations (“HSI”). I have been employed by HSI since August 2022. Through my training, experience, and discussions with other law enforcement officers, I know that it is a violation of federal criminal immigration law – namely, Title 8, United States Code, Section 1326 – for an alien previously removed from the United States to return to this country absent approval of the Attorney General of the United States or the Secretary of the Department of Homeland Security.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. I know that a foreign national or alien present in the United States can be placed in removal proceedings and ordered to return to their native country. This process is generally called removal (also formerly known as deportation). The removal process can be voluntary – namely, the alien is allowed to return on their own to their country of origin. On other occasions, the United States will take the alien directly to their country of nationality. Through the removal process, immigration officials collect information and data concerning the alien; the United States

retains this information to track and record individuals who previously have been removed from the United States and have not been given permission to return to this country following their removal. The information that immigration officials collect from the alien and maintain in official government records may include: the alien's name; country of nationality or citizenship; a photograph of the alien at the time of removal; and copies of one or more of the alien's fingerprints.

5. On or about December 2, 2024, CASTANEDA-JUAREZ was brought to the attention of Immigration and Customs Enforcement (ICE) – Enforcement and Removal Operations (ERO) after he was arrested by the Fairfield Police Department for violating a protection order. On or about December 4, 2024, CASTANEDA-JUAREZ was arrested by ICE – ERO after it was determined that CASTANEDA-JUAREZ is a citizen of Mexico and did not possess valid immigration documents allowing him to be or remain in the United States legally. CASTANEDA-JUAREZ was placed on electronic monitoring and processed for reinstatement of his prior order of removal.

6. On or about January 26, 2025, Homeland Security Investigations (HSI) Cincinnati apprehended CASTANEDA-JUAREZ in the Southern District of Ohio at 678 Crenshaw Lane, Cincinnati, Ohio due to him being in the United States without valid immigration documents. CASTANEDA-JUAREZ was transported to the HSI office for processing. During processing HSI agents read CASTANEDA-JUAREZ his rights from the U.S. ICE Record of Sworn Statement form and proceeded to ask CASTANEDA-JUAREZ the questions on the form after he agreed to answer questions. CASTANEDA-JUAREZ stated the following:

- a. His true and correct name is Brayan CASTANEDA-JUAREZ
- b. He was born in Mexico City, Mexico
- c. His parents are citizens of Mexico

- d. He entered the United States illegally near El Paso, Texas in 2021
- e. He has never applied for immigration benefits of applied to the attorney general of the United States for permission to re-enter the United States

7. Based on my training and experience, I know that a DHS “A-File” is a file in which all immigration records are maintained for admitted immigrant aliens, or aliens found to be illegally present in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained. The A-file corresponds with an “A-number,” a unique number assigned to foreign nationals as they undergo proceedings through the United States immigration system. CASTANEDA-JUAREZ’s A-file is maintained under A-number XXX-XXX-793. CASTANEDA-JUAREZ’s A-file is maintained under the name Brayan CASTANEDA-JUAREZ.

8. On January 27, 2025, I reviewed scanned documents that originated from CASTANEDA-JUAREZ’s A-File. These documents contained the following:

- a. An Immigration Judge’s Order of Removal. On May 9, 2011, an Immigration Judge with the United States Department of Justice, Executive Office for Immigration Review ordered CASTANEDA-JUAREZ removed from the United States to his country of citizenship, Mexico.
- b. An executed Warrant of Removal/Deportation (Form I-205) indicating that CASTANEDA-JUAREZ was officially removed and deported from the United States on or about May 10, 2011, via the Laredo, Texas Port of Entry. I know from my training and experience that a Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and

its predecessor agency, INS) and usually contains the subject's identifying information. The executed Warrant of Removal/Deportation originating from CASTANEDA-JUAREZ's A-File bears his name, photograph, signature, and A-number.

9. On January 26, 2025, I reviewed criminal arrest and conviction information stored in the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC), as well as various open-source local court databases. This review revealed the following:

- a. On April 19, 2011, CASTANEDA-JUAREZ was arrested by the Hamilton Police Department in Butler County, Ohio for Aggravated Menacing or Stalking. CASTANEDA-JUAREZ was not convicted.

10. On January 26, 2025, CASTANEDA-JUAREZ was fingerprinted and photographed during processing, and his biometric information was submitted to the Automated Biometric Identification System (IDENT) and the FBI. IDENT and the FBI returned records showing that CASTANEDA-JUAREZ's fingerprints match fingerprint records taken during his prior criminal and administrative arrests.

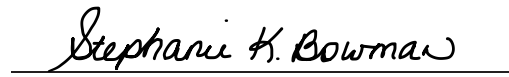
11. Law enforcement has reviewed immigration databases, and there is no record that, after his removal, CASTANEDA-JUAREZ entered the United States legally, or received permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security to return to the United States and remain here.

12. Based on the facts set forth in the Affidavit, I respectfully request an arrest warrant and criminal complaint for the above-named individual.

**THOMAS G
CARDINALI** Digitally signed by
THOMAS G CARDINALI
Date: 2025.01.28
15:06:18 -05'00'

Thomas Cardinali
Special Agent
Homeland Security Investigations

Sworn and subscribed before me by reliable electronic means, specifically FaceTime video conference, in accordance with Fed. R. Crim. P. 4.1, on January 28, 2025.


Honorable Stephanie K. Bowman
United States Magistrate Judge

